

[Service Date February 3, 2010]

**BEFORE THE WASHINGTON STATE  
UTILITIES AND TRANSPORTATION COMMISSION**

WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION,	)	DOCKET TV-091665
	)	
	)	ORDER 01
Complainant,	)	
	)	
v.	)	INITIAL ORDER GRANTING
	)	REQUEST TO DISMISS
ABIZER A. RAJ & AMAR S. DOSANJH	)	COMPLAINT AGAINST ANDY
d/b/a A & A MOVING AND DELIVERY,	)	CHEN d/b/a HING'S
BARNOLI, INC., ANDY CHEN d/b/a	)	PROFESSIONAL MOVING;
HING'S PROFESSIONAL MOVING,	)	GRANTING REQUEST TO FIND
MASKELYNE TRANSFER & STORAGE,	)	REMAINING COMPANIES IN
INC., ORCA MOVING SYSTEMS, LLC,	)	DEFAULT AND CANCELING
T & S TRANSPORTATION &	)	CARRIER PERMITS FOR
INSTALLATION, INC., and T & T MILK	)	FAILURE TO FILE ANNUAL
TRANSPORT, INC.,	)	REPORTS AND PAY
	)	REGULATORY FEES
Respondents.	)	
.....	)	

- 1     **Synopsis.** *This is an Administrative Law Judge's Initial Order that is not effective unless approved by the Commission or allowed to become effective pursuant to the notice at the end of this Order. If this Initial Order becomes final, the request to dismiss the complaint against Andy Chen d/b/a Hing's Professional Moving will be granted. In addition, the request to find the remaining household goods carriers named in the complaint in default will be granted and their permits will be canceled for failure to file annual reports for 2008 and pay regulatory fees for 2009.*
  
- 2     **Nature of Proceeding.** This proceeding involves a complaint seeking cancellation of the permits of certain named household goods carriers for failure to submit annual reports for 2008 and failure to pay regulatory fees for 2009.

3     **Appearances.** Michael Fassio, Assistant Attorney General, Olympia, Washington represents the Washington Utilities and Transportation Commission's (Commission) regulatory staff (Staff).<sup>1</sup> None of the household goods carriers named in the complaint appeared at the hearing.

4     **Background and Procedural History.** On November 24, 2009, the Commission entered a complaint against Abizer A. Raj & Amar S. Dosanjh d/b/a A & A Moving and Delivery (A&A Moving), Barnoli, Inc. (Barnoli), Andy Chen d/b/a Hing's Professional Moving (Hing's), Maskelyne Transfer & Storage, Inc. (Maskelyne), Orca Moving Systems, LLC (Orca Moving), T & S Transportation & Installation, Inc. (T&S Transportation), and T & T Milk Transport, Inc. (T&T Milk). The complaint alleges that each company failed to file required annual reports for 2008 and also failed to pay required regulatory fees for 2009. The Commission set this matter for hearing and notified all respondents that any party that failed to attend or participate in the hearing may be held in default.

5     The complaint was heard on due and proper notice to all parties on February 1, 2010, in Olympia, Washington before administrative law judge (ALJ) Adam E. Torem. During the hearing, Staff presented the testimony of Sheri Hoyt, Compliance Specialist in the Commission's Business Practices Investigations Section. None of the household goods carriers named in the complaint appeared or presented testimony.

### DISCUSSION AND DECISION

6     **Applicable Law.** Every public service company operating in Washington is required to file an annual report that sets forth the company's operations during the preceding year. *RCW 81.04.080*. Every common carrier must also pay a regulatory fee of no more than one quarter of one percent of its gross income from intrastate operations for the previous calendar year on or before the date specified by the Commission. *RCW 81.80.321*. Commission rules require all household goods permit holders to file annual reports and pay regulatory fees by May 1. *WAC 480-15-480*. The Commission may cancel a household goods carrier permit for good cause, which includes, but is not limited to the failure to file an annual report or pay regulatory fees. *WAC 480-15-450*.

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<sup>1</sup> In formal proceedings, such as this, the Commission's regulatory staff participates like any other party, while the Commissioners make the decision. To assure fairness, the Commissioners, the presiding administrative law judge, and the Commissioners' policy and accounting advisors do not discuss the merits of this proceeding with the regulatory staff, or any other party, without giving notice and opportunity for all parties to participate. *See, RCW 34.05.455*.

Any party who fails to attend or participate in a hearing scheduled by the Commission may be held in default. *RCW 34.05.440* and *WAC 480-07-450*.

- 7 **Motion to Dismiss – Andy Chen d/b/a Hing’s Professional Moving.** At hearing, Staff moved to dismiss the complaint against Hing’s. On December 9, 2009, in response to the Complaint, Mr. Chen filed an Annual Report for 2008 and paid all required regulatory fees for 2009 (including associated late filing fees).<sup>2</sup> Commission Staff indicated that Mr. Chen has now accomplished all filing and fee payment requirements necessary to bring his company into compliance. Accordingly, the motion to dismiss is granted.
- 8 **Default.** With respect to the six remaining household goods carriers named in the complaint, Staff moved that they be held in default for failure to appear at hearing. The record reflects that all six companies received notice of the hearing by certified mail at their address of record and failed to appear or otherwise respond to the complaint. Therefore, the presiding ALJ granted the motion. Even so, Staff requested that the Commission hear and dispose of the substantive issues brought in the complaint against these companies.
- 9 **Complaint.** Ms. Sheri Hoyt testified that she reviews the Commission’s Annual Report Tracking System (ARTS) to obtain a list of all companies that are delinquent in filing their annual reports or paying their regulatory fees. Ms. Hoyt reviewed ARTS data for each company named in the complaint as late as the afternoon of the hearing, February 1, 2010, and determined that aside from Hing’s, none of the six remaining household goods carriers named in the complaint had filed their annual reports for 2008 or paid their outstanding regulatory fees for 2009.
- 10 **A & A Moving.** Abizer A. Raj & Amar S. Dosanjh d/b/a A & A Moving & Delivery (A&A Moving) is a public service company as defined in *RCW 81.04.010*. A&A Moving holds authority to transport household goods in the state of Washington for compensation. According to *WAC 480-15-480*, A&A Moving is required to submit annual reports to the Commission and pay regulatory fees. The Commission may cancel a household goods carrier permit, after notice and opportunity for hearing, for good cause. Good cause includes the failure to file an annual report or pay regulatory

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<sup>2</sup> See Exh. 1 and Exh. 2.

fees. From the Commission's files and records, it appears that A&A Moving failed to file its annual report for 2008 and failed to pay regulatory fees for 2009. Moreover, A&A Moving failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, A&A Moving's household goods permit should be canceled.

- 11 *Barnoli*. Barnoli, Inc. (Barnoli) is a public service company as defined in RCW 81.04.010. Barnoli holds authority to transport household goods in the state of Washington for compensation. According to WAC 480-15-480, Barnoli is required to submit annual reports to the Commission and pay regulatory fees. The Commission may cancel a household goods carrier permit, after notice and opportunity for hearing, for good cause. Good cause includes the failure to file an annual report or pay regulatory fees. From the Commission's files and records, it appears that Barnoli failed to file its annual report for 2008 and failed to pay regulatory fees for 2009. Moreover, Barnoli failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Barnoli's household goods permit should be canceled.
- 12 *Maskelyne*. Maskelyne Transfer & Storage, Inc. (Maskelyne) is a public service company as defined in RCW 81.04.010. Maskelyne holds authority to transport household goods in the state of Washington for compensation. According to WAC 480-15-480, Maskelyne is required to submit annual reports to the Commission and pay regulatory fees. The Commission may cancel a household goods carrier permit, after notice and opportunity for hearing, for good cause. Good cause includes the failure to file an annual report or pay regulatory fees. From the Commission's files and records, it appears that Maskelyne failed to file its annual report for 2008 and failed to pay regulatory fees for 2009. Moreover, Maskelyne failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Maskelyne's household goods permit should be canceled.
- 13 *Orca Moving*. Orca Moving Systems, LLC (Orca Moving) is a public service company as defined in RCW 81.04.010. Orca Moving holds authority to transport household goods in the state of Washington for compensation. According to WAC 480-15-480, Orca Moving is required to submit annual reports to the Commission and pay regulatory fees. The Commission may cancel a household goods carrier permit, after notice and opportunity for hearing, for good cause. Good cause includes the failure to file an annual report or pay regulatory fees. From the Commission's files and records,

it appears that Orca Moving failed to file its annual report for 2008 and failed to pay regulatory fees for 2009. Moreover, Orca Moving failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, Orca Moving's household goods permit should be canceled.

14 *T&S Transportation.* T & S Transportation & Installation, Inc. (T&S Transportation) is a public service company as defined in RCW 81.04.010. T&S Transportation holds authority to transport household goods in the state of Washington for compensation. According to WAC 480-15-480, T & S Transportation is required to submit annual reports to the Commission and pay regulatory fees. The Commission may cancel a household goods carrier permit, after notice and opportunity for hearing, for good cause. Good cause includes the failure to file an annual report or pay regulatory fees. From the Commission's files and records, it appears that T & S Transportation failed to file its annual report for 2008 and failed to pay regulatory fees for 2009. Moreover, T&S Transportation failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, T&S Transportation's household goods permit should be canceled.

15 *T&T Milk.* T & T Milk Transport, Inc. (T&T Milk) is a public service company as defined in RCW 81.04.010. T&T Milk holds authority to transport household goods in the state of Washington for compensation. According to WAC 480-15-480, T&T Milk is required to submit annual reports to the Commission and pay regulatory fees. The Commission may cancel a household goods carrier permit, after notice and opportunity for hearing, for good cause. Good cause includes the failure to file an annual report or pay regulatory fees. From the Commission's files and records, it appears that T&T Milk failed to timely file its annual report due on May 1, 2009, and failed to pay regulatory fees for 2009. Moreover, T&T Milk failed to appear at the time and place scheduled for hearing in this matter and is in default. Accordingly, T&T Milk's household goods permit should be canceled.

### FINDINGS OF FACT

16 Having discussed above in detail the evidence received in this proceeding concerning all material matters, and having stated above our findings and conclusions upon issues in dispute among the parties and the reasons supporting the findings and conclusions,

the Commission now makes and enters the following summary findings of fact ,  
incorporating by reference pertinent portions of the preceding detailed findings.

- 17       (1)       The Washington Utilities and Transportation Commission is an agency of the  
State of Washington, vested by statute with authority to regulate rates, rules,  
regulations, practices, and accounts of public service companies, including  
common carriers such as household goods carriers.
- 18       (2)       Abizer A. Raj & Amar S. Dosanjh d/b/a A & A Moving & Delivery (A&A  
Moving), Barnoli, Inc., Andy Chen d/b/a Hing's Professional Moving (Hing's),  
Maskelyne Transfer & Storage (Maskelyne), Orca Moving Systems, LLC (Orca  
Moving), T & S Transportation & Installation, Inc. (T&S Transportation), and  
T & T Milk Transportation, Inc. (T&T Milk) each are a "public service  
company," "common carrier" and "household goods carrier" as those terms are  
defined and used in RCW Title 81.
- 19       (3)       On November 24, 2009, the Commission entered a complaint and notice of  
hearing. The complaint against each of the above-named household goods  
carriers sought cancellation of the company's permit for failure to submit an  
annual report and pay regulatory fees. The notice of hearing scheduled a  
hearing to convene on February 1, 2010, in Olympia, Washington.
- 20       (4)       On December 9, 2009, Andy Chen d/b/a Hing's Professional Moving filed its  
2008 annual report, paid its regulatory fees for 2009, and also paid late filing  
fees associated with its tardy submissions.
- 21       (5)       A&A Moving, Barnoli, Maskelyne, Orca Moving, T&S Transportation, and  
T&T Milk each failed to appear at the hearing held on February 1, 2010.
- 22       (6)       A&A Moving, Barnoli, Maskelyne, Orca Moving, T&S Transportation, and  
T&T Milk each failed to file their annual reports for 2008 and also failed to pay  
regulatory fees for 2009.

### CONCLUSIONS OF LAW

- 23 Having discussed above all matters material to this decision, and having stated detail  
findings, conclusions, and the reasons therefore, the Commission now makes the  
following summary conclusions of law incorporating by reference pertinent portions of  
the preceding detailed conclusions.
- 24 (1) The Washington Utilities and Transportation Commission has jurisdiction over  
the subject matter of, and the parties to, this proceeding. *RCW Title 81.*
- 25 (2) On December 9, 2009, Andy Chen filed an annual report for 2008 and paid  
regulatory fees for 2009 in order to bring Hing's into compliance with state law  
and Commission regulations.
- 26 (3) The Commission may, after notice and opportunity for hearing, involuntarily  
cancel the permit of any household goods carrier for good cause. *WAC 480-15-  
450.*
- 27 (4) The failures of A&A Moving, Barnoli, Maskelyne, Orca Moving, T&S  
Transportation, and T&T Milk to file their annual reports for 2008 and pay  
regulatory fees for 2009 constitutes good cause to cancel their household goods  
permits to operate in Washington state. *RCW 81.04.010, RCW 81.04.080, and  
WAC 480-15-450*
- 28 (5) A&A Moving, Barnoli, Maskelyne, Orca Moving, T&S Transportation, and  
T&T Milk each failed to appear at the February 1, 2010, hearing in this matter  
and are in default. *RCW 34.05.440 and WAC 480-07-450.*

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**ORDER**

THE COMMISSION ORDERS THAT:

- 29      (1)      The complaint against Andy Chen d/b/a Hing's Professional Moving is dismissed.
- 30      (2)      Abizer A. Raj & Amar S. Dosanjh d/b/a A & A Moving and Delivery, Barnoli, Inc., Maskelyne Transfer & Storage, Inc., Orca Moving Systems, LLC, T & S Transportation & Installation, Inc., and T & T Milk Transport, Inc. are each in default. *RCW 34.05.440 and WAC 480-07-450.*
- 31      (3)      The household goods carrier permits held by Abizer A. Raj & Amar S. Dosanjh d/b/a A & A Moving and Delivery, Barnoli, Inc., Maskelyne Transfer & Storage, Inc., Orca Moving Systems, LLC, T & S Transportation & Installation, Inc., and T & T Milk Transport, Inc. are each canceled for good cause. *WAC 480-15-450.*

DATED at Olympia, Washington, and effective February 3, 2010.

WASHINGTON STATE UTILITIES AND TRANSPORTATION COMMISSION

ADAM E. TOREM  
Administrative Law Judge



### NOTICE TO PARTIES

This is an Initial Order. The action proposed in this Initial Order is not yet effective. If you disagree with this Initial Order and want the Commission to consider your comments, you must take specific action within the time limits outlined below. If you agree with this Initial Order, and you would like the Order to become final before the time limits expire, you may send a letter to the Commission, waiving your right to petition for administrative review.

WAC 480-07-825(2) provides that any party to this proceeding has twenty (20) days after the entry of this Initial Order to file a *Petition for Administrative Review*. What must be included in any Petition and other requirements for a Petition are stated in WAC 480-07-825(3). WAC 480-07-825(4) states that any party may file an *Answer* to a Petition for review within ten (10) days after service of the Petition.

WAC 480-07-830 provides that before entry of a Final Order any party may file a Petition to Reopen a contested proceeding to permit receipt of evidence essential to a decision, but unavailable and not reasonably discoverable at the time of hearing, or for other good and sufficient cause. No Answer to a Petition to Reopen will be accepted for filing absent express notice by the Commission calling for such answer.

RCW 80.01.060(3) provides that an Initial Order will become final without further Commission action if no party seeks administrative review of the Initial Order and if the Commission fails to exercise administrative review on its own motion.

One copy of any Petition or Answer filed must be served on each party of record with proof of service as required by WAC 480-07-150(8) and (9). An Original and **seven (7)** copies of any Petition or Answer must be filed by mail delivery to:

Attn: David W. Danner, Executive Director and Secretary  
Washington Utilities and Transportation Commission  
P.O. Box 47250  
Olympia, Washington 98504-7250